

**IDAHO BOARD OF MASSAGE THERAPY**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Board Meeting Minutes of 10/19/2015**

**BOARD MEMBERS PRESENT:** Gayla Nickel - Chair  
Gail L King  
Linda A Chatburn  
Paul J Weston

**BUREAU STAFF:** Tana Cory, Bureau Chief  
Dawn Hall, Administrative Support Manager  
Lori Peel, Investigative Unit Manager  
Maurie Ellsworth, General Counsel  
Mitchell Toryanski, Legal Counsel  
Jean Uranga, Board Prosecutor  
Erin Anderson, Technical Records Specialist I

**OTHERS PRESENT:** Lydia Benson, AICM  
Jason Chase, Elements Massage  
Bibiana Arias, Elements Massage  
Cecilia Escobedo, Massage Envy Spa  
Melissa Rincon, Milan Institute  
Cynthia Mason, Three Oaks Academy  
Randy Young, Massage Envy  
Helen Ashby  
Val Fenske, Idaho State Proprietary and  
Private College Coordinator

The meeting was called to order at 8:38 AM MDT by Gayla Nickel.

**APPROVAL OF MINUTES**

Ms. Chatburn made a motion to approve the minutes of 8/24/2015 with corrections. It was seconded by Ms. King. Motion carried.

Ms. King made a motion to approve the minutes of 9/22/2015. It was seconded by Ms. Chatburn. Motion carried.

**LEGISLATIVE REPORT**

Ms. Cory gave the legislative report. She reminded the Board that any law changes must be submitted by the first of August, and any rule changes must be submitted by the third week in August. Ms. Cory informed the Board that they do

not have any proposed laws or rules for the 2016 Legislative session, but the Board is part of an omnibus rule change with many other Boards that will put these Boards in line with the requirement of HB-117 in 2015, which dealt with reinstatement and renewal of licenses, Idaho Code 67-2614.

## **FINANCIAL REPORT**

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$186,580.38 as of 9/30/2015.

## **DISCIPLINE**

Ms. Uranga presented a memorandum regarding case number MAS-2016-2. After discussion, the Board gave recommendations for appropriate discipline.

## **INVESTIGATIVE REPORT**

Ms. Peel gave the investigative report, which is linked above.

## **FOR BOARD DETERMINATION**

Ms. King made a motion to approve the Bureau's recommendation and authorize closure in case I-MAS-2015-10. It was seconded by Ms. Chatburn. Motion carried.

Ms. Chatburn made a motion to approve the Bureau's recommendation and authorize closure in case I-MAS-2016-5. It was seconded by Ms. King. Motion carried.

Ms. Chatburn made a motion to accept the Findings of Fact, Conclusions of Law and Final Order and authorize the Chair to sign for case MAS-2016-1. It was seconded by Ms. King. Motion carried.

## **REGULATORY BOARD PRESENTATION**

Mr. Toryanski presented new board member training. He discussed with the Board its role and requirements when serving on the Board.

## **OLD BUSINESS**

## **TO DO LIST**

Ms. Chatburn presented her information in regard to temporary permits. The Board discussed possible law and rule changes to create temporary permits. The Board discussed whether the temporary permit should be offered only to endorsement applicants. It was also discussed whether the temporary permit

holder should have an assigned supervisor. Discussion was also held on the financial impact of creating a temporary permit, and it was discussed that the fee for applying for the temporary permit may assist in covering the expense. Ms. Chatburn will continue to work with Mr. Toryanski. This will be on the agenda at the next face-to-face meeting.

Ms. Val Fenske with the Idaho Board of Education addressed the Board in regard to the registration of schools whose curricula may not be meeting the requirements of Rule 600. She stated that her department does not have jurisdiction over the requirement that massage therapy proprietary schools adhere to the Board's requirement of Rule 600 and that the Idaho Board of Massage would have to promulgate the rules. Ms. King and Mr. Toryanski will review the Idaho Board of Cosmetology rules and will work together to draft a proposed law/rule to give the Board jurisdiction over school curriculum.

The Board reviewed suggested changes to the continuing education application that were submitted by Ms. Robbin Blake. After discussion the Board agreed that adding directions to the continuing education application to direct the applicant to skip a question if they answered yes or no to the previous question would suffice. Ms. Nickel said she would work on this and bring it to the next face-to-face meeting.

The Board reviewed the Frequently Asked Questions page and the Board's web page for any necessary changes.

## **NEW BUSINESS**

## **CORRESPONDENCE**

The Board reviewed correspondence submitted by Ms. Cynthia Mason. Ms. Mason inquired with the Board if she could require a student to provide a medical clearance form prior to their enrollment in her massage therapy program. The Board instructed Ms. Mason that she would need to seek her own legal counsel with her questions and concerns, and that the Board does not have any type of medical requirement in the law or rule.

The Board chose to table correspondence submitted by Mr. Ron Connelly until the face-to-face meeting in the spring.

## **NEXT MEETING**

The Board canceled the 1/4/2016 meeting and re-scheduled this face-to-face meeting for 1/25/2016, from 8:30 AM MDT to 5:00 PM MDT.

## **CONFERENCE CALLS**

Ms. Nickel requested that the Board allow her to appoint an acting Chair when the Board is doing a meeting by conference call.

## **EXECUTIVE SESSION**

Ms. King made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Ms. Chatburn. The vote was: Ms. King, aye; Ms. Chatburn, aye; and Ms. Nickel, aye. Motion carried.

Ms. King made a motion to come out of executive session. It was seconded by Ms. Chatburn. The vote was: Ms. King, aye; Ms. Chatburn, aye; and Ms. Nickel, aye. Motion carried.

The Board further discussed the requirement of schools being registered with the Idaho State Board of Education. Ms. Nickel informed the Board that Federation of State Massage Therapy Boards has stated they would confirm that potential examinees have met the educational requirements but that it appears that they are not.

## **EXECUTIVE SESSION**

Ms. Chatburn made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Ms. King. The vote was: Ms. King, aye; Ms. Chatburn, aye; and Ms. Nickel, aye. Motion carried.

Ms. King made a motion to come out of executive session. It was seconded by Ms. Chatburn. The vote was: Ms. King, aye; Ms. Chatburn, aye; and Ms. Nickel, aye. Motion carried.

## **APPLICATIONS**

Ms. Chatburn made a motion to approve the following for licensure:

MAS-2669	JULIE JOHNSON
MAS-2662	ERIKA WAYAS
MAS-2703	ARIEL SIMMONS
MAS-2682	TERRI DROGHEI

It was seconded by Mr. Weston. Motion carried. Ms. King recused herself from discussion and voting.

Ms. King made a motion to approve the following for licensure pending receipt of additional documentation:

#901141439  
#901141327  
#901141340  
#901141733  
#901141349  
#901141552

It was seconded by Ms. Chatburn. Motion carried.

Ms. King made a motion to approve the following for licensure pending receipt of additional documentation and Chair review:

#901141438  
#901141602  
#901141599  
#901137048  
#901137918  
#901141491

It was seconded by Ms. Chatburn. Motion carried.

Ms. King made a motion to table the following application for further review:

#901141713

It was seconded by Mr. Weston. Motion carried.

Ms. Chatburn made a motion to approve the following for licensure:

MAS-2667	BRIE COVERT
MAS-2526	MELISSA UNRUH
MAS-2686	JESSICA SLATER
MAS-2702	LUKE BOWDEN
MAS-2679	DIANA REYES
MAS-2698	MISTI PALMER
MAS-2699	STEPHANIE NEWLING
MAS-2695	STUART BEALL
MAS-2684	KENNETH COOK
MAS-2696	TAMMEY CARTER
MAS-2683	SHANA EASLY

It was seconded by Ms. King. Motion carried.

## **CE COURSES**

Ms. Chatburn made a motion to approve the following continuing education course pending receipt of additional information and Chair review:

#901129179

It was seconded by Ms. King. Motion carried.

Ms. Chatburn made a motion to approve the following continuing education courses:

ETHICS: PATIENT EDUCATION  
ETHICS  
ESSENTIAL OIL SYMPOSIUM  
NURTURING THE MOTHER

It was seconded by Ms. King. Motion carried.

Ms. King made a motion to approve four hours of the proposed 24 hour course for marketing, anatomy and physiology, and to request the provider provide a copy of the certificate of completion that will be given to licensees who complete the course:

NURTURING THE MOTHER FERTILITY MASSAGE SPECIALIST  
CERTIFICATION

It was seconded by Ms. Chatburn. Motion carried.

Ms. King made a motion to deny the following provider per Idaho Law 54-4003 and Rule 503:

INTEGRATIVE REFLEXOLOGY CERTIFICATION

It was seconded by Ms. Chatburn. Motion carried.

## **CONTINUING EDUCATION AUDITS AND REINSTATEMENTS**

The Board members reviewed and approved the CE audit and CE for reinstatement. Ms. Anderson will contact the licensees that the Board had questions for and request further information.

**NEXT MEETING** was scheduled for 12/1/2015 4:00 PM MDT.

## ADJOURNMENT

Ms. King made a motion to adjourn the meeting at 4:24 PM MDT. It was seconded by Ms. Chatburn. Motion carried.

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Gayla Nickel, Chair

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Linda A Chatburn

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Paul J Weston

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Gail L King

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Tana Cory, Bureau Chief